

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

WILLIAM LOCKWOOD,

Plaintiff

v.

PACIFIC USA, LTD., PACIFIC CYCLE, LLC  
and TOYS “R” US – DELAWARE, INC.

Defendants.

Civil Action No.

WMN-02-CV-2068

**DEFENDANT / THIRD-PARTY PLAINTIFFS’  
REQUEST FOR SECOND ENLARGEMENT OF TIME**

Defendants and Third Party Plaintiffs herein, Pacific Cycle, LLC, (Pacific Cycle) and Toys “R” Us – Delaware, Inc. (“Toys “R” Us”), by and through their undersigned counsel, respectfully request a second enlargement of time to file a Response to the motions filed by third-party defendants SR Suntour, Inc. and Suntour, USA (collectively “Suntour”) for summary judgment /dismissal of the third-party complaint filed against them.

Pursuant to Maryland Local Rule 105(9), undersigned counsel for the defendants/third-party plaintiffs has conferred with Suntour’s counsel, Edward J. Lopata. Mr. Lopata has consented to the request for a second enlargement of time.

Further grounds in support of this Motion are set forth in the accompanying memorandum.

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Respectfully submitted,

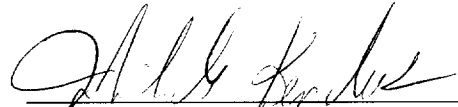
A handwritten signature in black ink, appearing to read "Michele R. Kendus", written over a horizontal line.

Bruce R. Parker  
Federal Bar No. 00028  
Michele R. Kendus  
Federal Bar No. 26586  
Venable, Baetjer and Howard, LLP  
1800 Mercantile Bank & Trust Building  
Two Hopkins Plaza  
Baltimore, Maryland 21201-2978  
(410) 244-7400

Attorneys for Defendants  
Pacific Cycle, LLC and  
Toys "R" Us – Delaware, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of July, 2003 a copy of the foregoing Defendants' / Third-party Plaintiffs' Motion for Enlargement of Time, Memorandum in support thereof and proposed Order was sent via electronic filing notification to be received from the United States District Court for the District of Maryland North Division.

  
\_\_\_\_\_  
Michele R. Kendus

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**DEFENDANT / THIRD-PARTY PLAINTIFFS’ MEMORANDUM  
IN SUPPORT OF ITS REQUEST FOR SECOND ENLARGEMENT OF TIME**

Defendants / Third-party plaintiffs Pacific Cycle, LLC, (“Pacific Cycle”) and Toys “R” Us– Delaware, Inc. (“Toys “R” Us”) submit this Memorandum in Support of their Request for Second Enlargement of Time to file a Response to the motions filed by third-party defendants SR Suntour, Inc. and Suntour, USA (collectively “Suntour”) for summary judgment /dismissal of the third-party complaint filed against them.

This Motion is made pursuant to Fed. R. Civ. P. 6(b) and Local Rule 105(9). In support thereof, Defendants / Third-party plaintiffs state as follows:

1. This is a product liability action brought by the plaintiff, William Lockwood, against defendants / third-party plaintiffs Pacific Cycle and Toys “R” Us. Plaintiffs’ complaint alleges that the plaintiff sustained injuries caused by the malfunction of a bicycle either manufactured or sold by the defendants / third-party plaintiffs.

2. Pacific Cycle and Toys “R” Us deny the allegations of the Plaintiff William Lockwood’s complaint, and filed a third-party complaint against Suntour as the manufacturer of the component part that allegedly malfunctioned. The third-party complaint sets out a claim for contribution and / or indemnity.

3. On May 15, 2003 Suntour filed motions for summary judgment, or in the alternative to dismiss the third-party claim as against SR Suntour, USA and to dismiss SR Suntour, Inc.

3. Suntour denies liability in this matter, but admits that it manufactured the allegedly defective component part.

4. SR Suntour, Inc., through their attorney, Mr. Lopata, has agreed to indemnify Third-Party Plaintiffs in this matter. Third Party Plaintiffs have proposed a written indemnity / settlement agreement, which is pending acceptance and final signature by SR Suntour, Inc. On May 28, 2003 third-party plaintiffs filed an initial Motion for Enlargement of Time to file a Response to Suntour’s Motions to dismiss, which this Court granted the same day. Responses to the motions are currently due from Third-Party Plaintiffs on July 2, 2003.

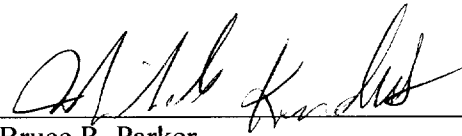
5. The grounds for the initial Motion for Enlargement of time were that the parties agree once the indemnity / settlement agreement is final, third-party plaintiffs will dismiss the third-party complaint against Suntour, and Suntours’ Motions for summary judgment and to dismiss will be moot. Because SR Suntour, Inc. is a foreign corporation located in Taiwan, Third-party Plaintiffs have been informed by Mr. Lopata that obtaining signature is taking longer than anticipated.

6. Therefore, Third-Party Plaintiffs request this court grant a further extension of time to respond to Suntours’ Motions for summary judgment and to dismiss, which will allow the parties a continued opportunity to resolve the issues through settlement.

7. Pursuant to Maryland Local Rule 105(9), undersigned counsel for Third-Party Plaintiffs has communicated with Suntour's counsel, Edward Lopata. Mr. Lopata agrees that this Motion is unopposed.

WHEREFORE, Defendants respectfully request that the Court grant Third-Party Plaintiffs an additional thirty days to respond to Third-party Defendants' motions for summary judgment and to dismiss the Third-party Complaint.

Respectfully submitted,

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**ORDER**

This matter having come before the Court on the Motion of the Defendants / Third-party Plaintiffs, Pacific Cycle, LLC and Toys “R” Us- Delaware, Inc. to extend the time for Third-Party Plaintiffs’ responses to Third-Party Defendants’ motions for summary judgment and to dismiss, for good cause shown and without opposition, IT IS HEREBY

ORDERED that the time for Defendants’ / Third-party Plaintiffs’ responses to Third-Party Defendants’ motions for summary judgment and to dismiss be extended by 30 days. Third-party Plaintiffs’ responses are due August 2, 2003.

Date: \_\_\_\_\_

\_\_\_\_\_  
William M. Nickerson  
Senior United States District Judge